

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

NELSON L. BRUCE,

Plaintiff,

v.

PENTAGON FEDERAL CREDIT UNION
a.k.a. PENTAGON FEDERAL CREDIT
UNION FOUNDATION (“collectively”
PENFED), EXPERIAN INFORMATION
SOLUTIONS, INC., TRANS UNION, LLC,
EQUIFAX INFORMATION SERVICES,
LLC, all unknown Does 1-100, et al.,

Defendants.

Case No. 2:22-cv-02211-BHH-MGB

**DEFENDANT EQUIFAX INFORMATION
SERVICES LLC’S REPLY TO
PLAINTIFF’S OBJECTIONS TO
MAGISTRATE’S REPORT AND
RECOMMENDATION**

Defendant Equifax Information Services LLC (“Equifax”), by Counsel, hereby submits its Reply to Plaintiff’s Objections (Doc. 137) to the Magistrate’s Report and Recommendation (Doc. 131) and shows the Court as follows:

INTRODUCTION

Plaintiff, a serial *pro se* litigant in this District, filed his Complaint on July 12, 2022. (Doc. 1.) He filed an Amended Complaint on November 2, 2022, (Doc. 31), and second Amended Complaint on May 25, 2023, (Doc. 98). On June 5, 2023, Equifax filed a Motion for Judgment on the Pleadings pursuant to Fed. R. Civ. P. 12(c). Plaintiff filed his Response in Opposition to Equifax’s Motion on July 10, 2023. (Doc. 114.) On September 25, 2023, the Magistrate Judge issued a Report and Recommendation, recommending that Equifax’s Motion be denied. (Doc. 131.) On October 6, 2023, Equifax filed its partial Objections to the Magistrate’s R&R. (Doc. 134.) On October 10, 2023, Plaintiff filed his Objections. (Doc. 137.) As set forth herein, Equifax responds to Plaintiff’s Objections.

ARGUMENT

I. Plaintiff's May 2022 Dispute Letter To Equifax Did Not Put Equifax On Notice Of The Claim Of Inaccuracy He Now Claims In This Litigation

Plaintiff “objects to the Magistrate’s statement that . . . [‘]the undersigned agrees that Plaintiff’s May 3, 2022 letter to Equifax cannot serve as the requisite notice to support any claim under § 1681i because it does not allege inaccurate or incomplete reporting by PenFed[.]’” (*Id.* at 1.) Plaintiff’s objections are meritless, and cannot serve to support the § 1681i claim he now seeks to make in this litigation.

As set forth in Equifax’s Motion for Judgment on the Pleadings, § 1681i requires a consumer who wishes to dispute the accuracy of any item of information in his credit file to “notif[y] the agency directly, or indirectly through a reseller, *of such dispute[.]*” 15 U.S.C. § 1681i(a)(1)(A) (emphasis added). The plain language of the statute requires the consumer to tell the consumer reporting agency *why* he thinks the item of information is inaccurate, and the consumer reporting agency is just as plainly *not* required to investigate other reasons the item of information might be inaccurate. *See Aldaco v. RentGrow, Inc.*, 921 F.3d 685, 690 (7th Cir. 2019) (where consumer’s dispute “contended only that the battery record wasn’t hers,” CRA had duty to “investigate and confirm with its sources the only information that was disputed: whether the battery record pertained to Aldaco” and not “the reported length of the sentence or the omission of the charge’s dismissal”).

Here, the claim that the PenFed account was inaccurately reporting a balance because it was sold, assigned, or transferred, is very different from the wholly non-specific statements made by Plaintiff in his May 2022 letter to Equifax. Because Plaintiff did not directly notify Equifax of

the inaccuracy he claims in the Amended Complaint, the Magistrate's recommendation regarding the May 2022 letter was sound, and Plaintiff's objections should be overruled.¹

DATED: October 25, 2023

Respectfully submitted,

WYCHE, P.A.

By: /s/ Rita Bolt Barker

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¹ Additionally, Equifax notes that Plaintiff does *not* object to the Magistrate's recommendation regarding his June 17, 2022 communication to undersigned counsel (Doc. 131, at 10-12), and, therefore, Equifax contends that portion of the Magistrate's R&R should stand.

CERTIFICATE OF SERVICE

I hereby certify that on October 25, 2023, I presented the foregoing REPLY TO PLAINTIFF'S OBJECTIONS TO REPORT AND RECOMMENDATION with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record. A copy has also been sent via U.S. Mail to the following:

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/s/ Rita Bolt Barker

Rita Bolt Barker
Counsel for Defendant
Equifax Information Services LLC